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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

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January 10, 2006

Senator Pat Roberts
Chairman
Senate Select Committee on Intelligence
Washington, D.C. 20510

Dear Pat:

Domestic surveillance and information collection has emerged as a central focus of the Select Committee on Intelligence's work in 2006. I believe our Committee needs to be more aggressive in examining the key aspects of these controversial intelligence and investigation activities if we are to properly carry out our oversight responsibilities.

I request that the Committee immediately undertake a thorough investigation into the National Security Agency (NSA) program, authorized by the President, to collect electronic communications involving U.S. persons in the United States without first obtaining a warrant or court order.

Our investigation should examine the legal justifications for and the operational conduct of the NSA program. In order to carry out this inquiry, the Committee should request and review all legal memoranda related to the authorization of the NSA program. We also should examine, as our Committee is empowered to do, all past and current operational aspects of the program, including a review of what electronic communications were intercepted; how the information collected is being minimized and used; and how the information is retained.

We should schedule hearings in the coming weeks to receive the testimony of former and current United States Government officials at the NSA, the White House, the Department of Justice, and the Central Intelligence Agency, instrumental in the authorization and operation of the program. We should immediately direct staff to begin gathering the

necessary information and documentation in order to prepare for these hearings.

As part of our investigation into domestic surveillance activities, the Committee should also thoroughly review recent reports, confirmed by the Under Secretary of Defense in writing to the Committee, that Department of Defense entities are collecting information on Americans within the United States. The collected information is stored in the Department's Threat and Local Observation Notice (TALON) data base and reporting system. We should ensure that these activities are in full compliance with the Department of Defense directives and U.S. law.

Further, the Committee has only the most rudimentary understanding of the Federal Bureau of Investigation's reliance on the use of National Security Letters (NSLs) to obtain personal financial, telecommunication and travel records and other information from U.S. companies and organizations in support of counter-terrorism investigations. The Committee, I believe, must examine the investigative basis for issuing NSLs and the utility of the information produced by them.

I believe there is bipartisan support for our Committee proceeding with this three-part investigation and I look forward to working with you on issues of schedule, scope and staffing. If we cannot reach such an agreement in upcoming days, I will seek a business meeting of the full Committee to consider authorization of the investigation. I am confident that our Committee can undertake this important inquiry in an objective and bipartisan fashion without inhibiting the completion of other matters before us.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jay", written over the printed name.

John D. Rockefeller IV
Vice Chairman